

REMARKS

Claims 21-23 are presently pending. Claim 24 was previously withdrawn from consideration as being directed to non-elected subject matter, and claims 1-20 are hereby cancelled.

Claims 21-23 stand rejected under 35 U.S.C.103 as being unpatentable over Linn in view of Murphy and Scholz.

The present invention is directed to novel antiperspirant stick compositions which, among other advantages, demonstrate less visible residue upon application than prior art products. The sticks contain, among other ingredients, a non-liquid organic ester emollient and an inert polymeric material. The now pending claims are limited to a composition which demonstrates clearly superior and non-obvious properties when compared to prior art compositions.

The Examiner has adhered to the previous rejection of the pending claim as being unpatentable over the combination of Linn in view of Murphy and Scholz.

Applicant respectfully traverses this combination of references. It is respectfully submitted that this combination of references can not support a 103 rejection of the now pending claims. The primary reference for this prior art rejection is Linn, which is directed to a product which contains neither a non-liquid organic ester emollient or an inert polymeric material. The absence of any teaching in Linn of those two key ingredients in Applicant's novel formulation is not cured by reliance on Murphy to teach the addition of polyethylene materials to antiperspirant compositions or by reliance on Murphy and Scholz to teach the presence of ester emollients.

As opposed to Applicant's stick product, Murphy is directed to a liquid antiperspirant composition. Accordingly, Murphy cannot be combined with Linn to demonstrate the obviousness of adding both non-liquid ester emollients and polymeric materials to a stick product.

Similarly, Scholz, which is directed to an alcohol/water hand lotion/scrub cannot be combined with Linn to demonstrate the obviousness of adding a non-liquid ester such as is found in Scholz to Applicant's stick product.

The physical structure of stick products does not lend itself to simple substitution of the ingredients found in liquid and gel products. Absent a clear suggestion in the art that such an addition or substitution of ingredients would be feasible, the resulting combination of ingredients cannot be deemed obvious.

The combination of properties achieved by the now claimed composition includes: low visible residue on application; high product delivery; no disagreeable odor, even in the absence of fragrance; no oily or greasy feel on application; and good high temperature stability. (See the specification at page 8.) This diverse and difficult to achieve combination of properties is present in the now claimed product, and the collective presence of these properties in the claimed composition is non-obvious in view of the cited prior art.

CONCLUSION

The prior art rejection of now pending claims 21-23, which claims recite narrow ranges of ingredients found in a low residue composition with novel, unobvious and unexpected performance characteristics, should be withdrawn. The rejection relies upon a combination of references assembled in hindsight to support the rejection of Applicant's pending claims. Accordingly, the rejection should be withdrawn, and claims 21-23 should be allowed, which allowance is respectfully requested.

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Respectfully submitted,


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